

E1-3290



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
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November 15, 2007

Troy Brady
STB-Section of Environmental Analysis
395 E Street, S. W.
Washington, DC 20423-0001

Subject: Ashland Ore Dock

Dear Mr. Brady:

The Wisconsin Department of Natural Resources (WDNR) has received the October 19, 2007 letter from Michael Barron, Attorney for Wisconsin Central Ltd. concerning the demolition of the Ashland Ore Dock. As Mr. Barron correctly states, there are significant safety issues associated with the superstructure of the ore dock that should be addressed immediately.

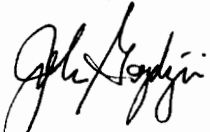
The WDNR has been involved in discussions between various entities concerning the ore dock for several years and we have consistently expressed our concerns about the deteriorated state of some of the structural elements and appurtenances associated with this structure as it is located on the bed of Lake Superior in an area frequented by sport fishermen and recreational boaters. The City of Ashland also has a waterfront trail which passes under the land section of the ore dock which has now been closed due to safety concerns. A recent structural analysis commissioned by the Wisconsin Department of Administration revealed that several components of the ore dock, including chutes, timbers, and appurtenances are in a severely deteriorated condition and pose an imminent threat to public health and safety. In response to these findings, CN has taken steps to address these safety concerns by removing most of the on-land sections of the trestle and highway overpass. The WDNR has also worked with local officials to establish an exclusionary zone with marker buoys and signage to keep boats and the public at a safe distance away from the structure.

The City of Ashland has expressed similar concerns about the safety and structural stability of the ore dock in their September 25, 2005 letter to the Surface Transportation Board (Page 3, Comments on Section 10). We also have anecdotal reports of concrete pieces falling on the USGS research vessel that was previously moored adjacent to the ore dock as well as concrete and wood falling onto the waterfront trail.

We understand that there are permits necessary from the U. S. Army Corps of Engineers, along with the requirements of Section 106 of the Historic Preservation Act, but we request that these approvals be expedited so that the aforementioned safety issues can be addressed as quickly as possible. It is our understanding that a MOA between the agencies involved with the 106 process is being developed and we hope that this document can be finalized as soon as possible so work can proceed before winter weather is upon us.

If you have questions or need assistance in the process to address issues associated with the ore dock, please contact the following DNR staff. The project manager for the demolition phase of this project is Ann Coakley, Waste and Materials Management Supervisor, at (715) 365-8960 or for assistance with water regulatory issues contact Duane Lahti, Watershed Supervisor - Lake Superior Basin, at (715) 395-6911.

Sincerely,



John Gozdziński
Northern Region Director

Cc: Brian Knapp, City Administrator, City of Ashland
Jason Berkner, COE, Hayward
Sherman Banker, State Historical Society of Wisconsin
Tom German, BCPL
Ron Adams, WDOT
Tom Dosch, DOJ
Duane Lahti, DNR – Superior
Ann Coakley, DNR – Rhinelander